

Panaji, 9th December, 2010 (Agrahayana 18, 1932)

SERIES II No. 37



OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are two Extraordinary issues to the Official Gazette, Series II No. 36 dated 02-12-2010 as follows:-

1. Extraordinary dated 2-12-2010 from pages 889 to 892 regarding Order from Department of Co-operation (Office of the Registrar of Co-op. Societies) and Notification from Department of Elections (Office of the Chief Electoral Officer).
2. Extraordinary (No. 2) dated 2-12-2010 from pages 893 to 894 regarding Order from Department of Home (Home—General Division).

GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Technical Education
College Section

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Order

No. 16/247/PF/AAD/GEC-DTE/10/4676

Read: Memorandum No. 16/247/PF/AAD/
GEC-DTE/10/3703 dated 09-09-2010.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/18(2)/2009/338 dated 23-11-2009, Government is pleased to appoint Smt. Aditi Atul Desai on temporary basis to the post of Lecturer in Electrical & Electronics Engineering in the Goa College of Engineering, Farmagudi against the post (Group A Gazetted) vacated by Ruksana Sathe and created vide Order No. 16/123/Creation of various post/GEC/DTE/02/1198 dated 1-7-2003 and subsequently revived vide Order No. 16/134//Revival of Posts/09/P.F.III/209 dated 28-01-2010 on an initial pay of Rs. 11,575/- p.m. in the pre-revised pay scale of Rs. 8,000-275-13,500 with effect from the date of joining the post as per the terms and

conditions contained in the Memorandum cited above.

Smt. Aditi Atul Desai will be on probation for a period of two years.

She should join duties within 30 days of the receipt of this order, failing which this order is liable to be cancelled without further notice.

She has been declared fit by Medical Authorities and communicated vide letter No. 4/105/85-H//GMC/288 dated 20-9-2010. Her character and antecedents have been verified and nothing adverse has been found against her.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 1st December, 2010.

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Order

No. 16/4/44/SMB/DTE/2004/4680

Refer: Order No. 16/4/44/SMB/DTE/2004/2752
dated 05-01-2009.

Sanction of the Government is hereby conveyed for further extension of extraordinary leave (leave without pay and allowance) for a period of 2 years to Shri Sanjay M. Belurkar, Lecturer, Goa College of Architecture, Altinho-Panaji w.e.f. 01-01-2011 to 31-12-2012, as per the terms and conditions mentioned on the above referred order.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 2nd December, 2010.

Corrigendum

No. 16/228/Recruit-Posts/DTE/GEC/4712

Read: Order No. 16/228/Recruit-Posts/DTE/GEC/PFI/3280 dated 04-08-2010.

The 3rd line and 4th line of the 1st para of the above referred order may be read as:

“against the post created vide Order No. 16/250/Creation & Revival of posts of GEC/DTE/10/2403 dated 12-07-2010”, instead of “against a resultant vacancy created due to voluntary retirement of Shri George Easaw, Lecturer”.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education & ex officio Additional Secretary.

Porvorim, 6th December, 2010.

Polytechnic Section**Order**

No. 26/4/42/2010/DTE/4728

Read: Memorandum No. 26/4/42/2010/DTE/4552 dated 18-11-2010.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/34(1)/10/207 dated 05th October, 2010, Government is pleased to appoint Shri Ashok Rama Deulkar on temporary basis to the post of Lecturer in Computer Engineering (Group 'A' Gazetted) in the Government Polytechnic, Curchorem on an initial basic pay of Rs. 8,000/- and other allowances as admissible in the pay scale of Rs. 8,000-275-13,500 with effect from the date of joining the post as per the terms and conditions contained in the Memorandum cited above.

Shri Ashok Rama Deulkar will be on probation for a period of two years.

He should join duties within 30 days of the receipt of this order, failing which this order is liable to be cancelled without further notice.

He has been declared fit by Medical Board, Goa Medical College & Hospital, Bambolim vide letter No. 4/106/84-II/GMC/371 dated 26-11-2010. The appointment is further subject to verification of characters and antecedents.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education & ex officio Additional Secretary.

Porvorim, 7th December, 2010.

Department of Finance

Directorate of Accounts

Addendum

No. DA/Admn/11-12/10-11/223

Read: Notification No. issued vide No. DA/Admn/11-12/10-11/210 dated 25-11-2010.

In the above Notification following para may be added:

“5 years age relaxation is granted for the children of Freedom Fighter”.

P. S. Gude, Director of Accounts & ex officio Joint Secretary.

Panaji, 29th November, 2010.

Department of Labour**Notification**

No. 28/1/2010-LAB

The following award passed by the Labour Court-II, at Panaji-Goa on 28-10-2010 in reference No. IT/17/05 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Smt. Upasana Majgaonkar, Under Secretary (Labour).

Porvorim, 29th November, 2010.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble Presiding Officer)

Case No. IT/17/05

Shri Govind S. Salgaonkar,
Rep. by President,
Goa Trade & Commercial Worker's Union,
2nd Floor, Velhos Bldg.,
Opp. Municipal Garden,
Panaji-Goa. ... Workman/Party I

V/s

M/s. Sai Shradha Hotel,
Betim, Bardez-Goa. ... Employer/Party II

Party I/Workman represented by Adv. Shri Suhas Naik.

Party II/Employer represented by Adv. Shri Sagar Parab.

Panaji, dated: 28-10-2010

AWARD

1. In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by Order dated 20-06-2005 bearing No. 28/18/2005-LAB/278 referred the following dispute for adjudication by the Industrial Tribunal of Goa.

"(1) Whether the action of Management of M/s. Sai Shradha Hotel, Betim, Bardez-Goa, in terminating the services of their Workman, Shri Govind S. Salgaonkar, Cook w.e.f. 25-04-2004 is legal and justified?

(2) To what relief the Workman is entitled?"

2. On receipt of the reference, a case was registered under No. IT/17/05 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party I (for short 'Workman') filed his statement of claim on 10-12-2007 at Exhibit-4. The facts of the case in brief as pleaded by the Workman are that he was employed with the Employer/Party II (for short "Employer") as a 'Cook' at their hotel 'Sai Shradha Hotel' situated at Betim, Bardez-Goa. He stated that he worked with the Employer's hotel for more than nine years of continuous service prior to his illegal termination. He stated that on 25-04-2004, the Employer, Shri Krishna Shirodkar at around 12.20 hrs. assaulted him with slaps and kicks while on duty without any justified reasons. He stated that the Employer also tore his shirt which he was wearing and also his face was scratched. He stated that thereafter the said Employer informed him that there is no job available for him and that his services stands terminated with immediate effect. He stated that he immediately filed a police complaint in Porvorim Police Station of the aforesaid incident on the same day. He stated that the Employer has also withheld the Pigmy Pass Book in which he had deposited Rs. 6,000/. He stated that the Employer also confiscated his gas cylinder. He stated that after the termination of his services, he raised an industrial dispute before the Assistant Labour Commissioner, Mapusa-Goa on 03-05-2004 demanding reinstatement with full back wages and continuity in services, which

ended in failure and a failure report was recorded on 23-03-2005. He stated that in the conciliation proceedings the Employer took an afterthought defence that he has not refused the employment to the Workman and that he is free to resume for work and that the Workman has voluntarily remained absent. He stated that during the course of conciliation proceedings, the Workman requested the Employer either allow him to resume for duty or to settle his dispute considering his past service. He stated that the Employer however did not allow the Workman to resume for his work, on the contrary took an afterthought defence stating that the Workman is free to join for his duties, but when he went to join for his duties, he was not allowed to resume for work and was driven away by abusing him in filthy words and threatening him with dire consequences. He submitted that the action of the Employer in orally terminating his services w.e.f. 25-04-2004 without any justified reasons, after assaulting him with slaps and kicks is illegal, unjustified and bad in law and therefore he is entitled for immediate reinstatement with full back wages and continuity in services. He therefore prayed that the action of Employer in terminating his services w.e.f. 25-04-2004 be held as illegal, unjustified and bad in law and direct the employer to reinstate him in employment with full back wages and continuity in service.

3. The Employer filed his written statement on 15-04-2008 at Exhibit-7. The Employer resisted the claim of the Workman preliminary on the ground that the Workman has filed a false claim alleging illegal termination of his services by them w.e.f. 25-04-2004. The Employer however admitted that the Workman was employed as a 'Cook' at his 'Sai Shradha Hotel' situated at Betim, Bardez-Goa. He stated that the Workman was irregular in his services and was not in continuous service. The Employer stated that there was a break in his duty after every month for a period of 15 days, since after the Workman joined in their services and till he voluntarily remained at home and did not join for his services again. The Employer denied that the Workman has worked with him for more than nine years of continuous services prior to his alleged illegal termination of services. The Employer stated that he has not terminated the services of the Workman but the Workman himself voluntarily abandoned the services. The Employer stated that on many occasion he requested the Workman to join for his duty and till today he is free to join his duty. The Employer denied that on 25-04-2004 at around 12.20 hrs. he

assaulted the Workman with slaps and kicks at his work place without any justified reason and tore the shirt of the Workman etc. The Employer stated that the Workman had filed a false Police Complaint before the Porvorim Police Station. The Employer stated that he has always shown his willingness to the Workman to join for his duties. The Employer stated that since he has not terminated the services of the Workman, he is not entitled for full back wages and continuity in services as claimed by him. The Employer denied each and every allegations made by the Workman in his statement of claim filed in the present proceedings and prayed for the dismissal of the present reference.

4. Thereafter, the Workman filed his re-joinder on 12-08-2008 at Exhibit-08. The Workman by way of re-joinder confirms and reiterates all his submissions, averments and statements made in his claim statement to be true and correct and denies all the statements, averments and submissions made by the employer in its written statement which are contrary to his statements and averments made in his claim statement. The Workman stated that he is ready and willing to join back for his duty unconditionally at any moment. The Workman stated that the Employer had assaulted him and has refused employment to him and is now making out a false case that he has not terminated/refused the employment to him.

5. Thereafter on the basis of the pleadings filed by the respective parties this Hon'ble Court framed issues at Exhibit-10 which are as under:

1. *Whether the Workman/Party I proves that he was working for the Employer/Party II for more than nine years of continuous service till 25-04-2004?*
2. *Whether the Workman/Party I proves that the action of the Employer/Party II in terminating his services w.e.f. 25-04-2004 is illegal and unjustified?*
3. *Whether the Workman/Party I proves that he is entitled for any relief?*
4. *What Award?*

6. My answers to the aforesaid issues are as under:

- Issue No. 1: In the affirmative.
- Issue No. 2: In the affirmative.
- Issue No. 3: In the negative.
- Issue No. 4: As per final order.

REASONS

7. *Issue No. 1:* It is the Workman who has raised the present industrial dispute pertaining to his alleged illegal termination of services by the Employer by alleging that he was working for the Employer for more than nine years of continuous service till he was illegally terminated w.e.f. 25-04-2004. The Employer denied the aforesaid contention of the Workman and stated that the Workman was employed at his hotel 'Sai Shradha' as a 'Cook', he was irregular in services. This Hon'ble Court therefore framed the existing issue No. 1 by putting the burden to prove the same on the Workman.

I have heard the oral arguments of the Ld. Advocates appearing for the respective parties.

8. Ld. Adv. Shri Suhas Naik representing the Workman during the course of his oral arguments submitted that the Workman in his oral evidence on record clearly stated that he was employed with the Employer as a 'Cook' at his 'Sai Shradha Hotel', situated at Betim, Bardez-Goa and that he has worked for the Employer for more than nine years of continuous service prior to his illegal termination of services. He submitted that though the Employer in their oral evidence stated that the Workman was employed with him in his hotel on temporary basis for the period of 2 years before he voluntarily left the job on 25-04-2004, he could not produce on record any documentary evidence to substantiate his aforesaid oral evidence.

On the contrary, the Ld. Adv. Shri S. Parab representing the Employer during the course of his oral arguments submitted that the burden to prove the issue No. 1 is on the Workman. The Workman having failed to prove his allegation that he was working for Employer Hotel for more than nine years of continuous service till 25-04-2004, failed to prove the issue No. 1.

I have carefully perused the entire records of the present case. I have also carefully considered the various oral submissions made by the Ld. Advocates appearing for the respective parties.

9. The oral evidence adduced by the Workman clearly indicates that he was working with the Employer Hotel as a "Cook" for more than nine years of continuous service prior to his illegal termination of services w.e.f. 25-04-2004. As against the case of the Workman, the Employer, Shri Krishna Shirodkar also adduced oral evidence alleging that the Workman was employed in his hotel for the period of two years before he

voluntarily left the job on 25-04-2004 as the Employer refused to give him leave. The Employer further stated that the Workman used to remain absent and that he was irregular in his service during the aforesaid period. The Employer's sole witness Mr. Agnelo Mascarenhas in his oral evidence deposed that the Workman was employed with the Employer on temporary basis as "Cook". The Employer however failed to produce on record any documentary evidence in support of his aforesaid oral contention. The Employer, however, in his cross examination stated that he did not maintain the Attendance Register, Wage Register as well as Leave Records of the workers employed at his hotel, although he is mandatorily bound to maintain the said records under the GDD Shops and Establishment Act and the Rules made thereunder. The Employer however, denied the suggestion put to him that he is purposely suppressing the aforesaid documents. The Employer though pleaded and also stated in his Affidavit in Evidence filed in the present proceedings that the Workman used to remain absent and was irregular in his service, the Employer failed to specify the period for which the Workman remained absent from his duties and/or produce on record any material evidence in support of his oral contention. Hence the adverse inference is drawn against the Employer and it is held that the Employer failed to prove that the Workman was working at his hotel for the period of two years on temporary basis before he voluntarily left the job on 25-04-2004. Hence, it is held that the Workman was working at the Employer hotel for more than nine years of continuous service till 25-04-2004. The issue No. 1 is therefore answered in affirmative.

10. **Issue No. 2:** It is the Workman who has raised the present industrial dispute pertaining to his alleged illegal termination of his services w.e.f. 25-04-2004. Hence the burden is on the Workman to prove that the termination of his services w.e.f. 25-04-2004 by the Employer is illegal and unjustified.

I have heard the arguments of the Ld. Advocates appearing for the respective parties.

11. Ld. Adv. Shri Suhas Naik appearing for the Workman during the course of his oral arguments submitted that the Workman was working at the Employer's hotel for more than nine years of continuous service till 25-04-2004. He submitted that on 25-04-2004, the Employer, Shri Krishna Shirodkar at around 12.20 hrs. assaulted the Workman with slaps and kicks at the workplace

without any justified reasons and orally terminated his services with immediate effect. He submitted that the Employer alleged that he has not terminated the services of the Workman but it is the Workman who has abandoned his services w.e.f. 25-04-2004 by remaining absent. He submitted that no enquiry of what so ever nature into the alleged misconduct of unauthorized absenteeism was held by the Employer before the termination of services of the Workman. He submitted that the Workman was not paid retrenchment compensation, one month's salary or issued notice one month in advance as required u/s 25-F of the I. D. Act, 1947. He submitted that the action of the Employer in terminating the services of the Workman w.e.f. 25-04-2004 is therefore illegal and unjustified as it is in violation of principles of natural justice.

On the contrary, the Ld. Adv. S. Parab appearing for the Employer during the course of his oral arguments submitted that the Workman was employed temporarily for the period of two years before he voluntarily left the job on 25-04-2004. He submitted that the services of the Workman were not terminated by the Employer at any point of time but it is the Workman who has abandoned his job by remaining absent. He submitted that since the Employer did not terminate the services of the Workman, the question of legality and justifiability of termination of services does not arise at all.

I have carefully perused the records of the present case. I have also considered the various legal submissions made by the Ld. Advocates appearing for the respective parties.

12. While discussing the issue No. 1 hereinabove, I have already discussed and come to the conclusion that the Workman was employed at the Employers' hotel for more than nine years of continuous service till 25-04-2004. Undisputedly, the present Order of Reference issued by the Government of Goa is pertaining to legality and justifiability of the action of the Employer in terminating the services of the Workman w.e.f. 25-04-2004. The Workman contended that his services have been terminated by the Employer w.e.f. 25-04-2004. The Workman also produced on record N. C. complaint dated 25-04-2004 (Exhibit-W/3), letter of the Union dated 27-04-2004 addressed to the Superintendent of Police, North Goa, Porvorim-Goa (Exhibit-W/2), Registered A/D letter of Union dated 03-05-2004 addressed to the Assistant Labour Commissioner, Mapusa-Goa (Exhibit-W/1-Colly) and reply dated 11-08-2004

filed by the Employer before Assistant Labour Commissioner, Mapusa (Exhibit-W/5) in support of his oral evidence. Thus the oral as well as documentary evidence on record adduced by the Workman proves that the services of the Workman were orally terminated by the Employer on 25-04-2004. The evidence on record further indicates that the Union has espoused the cause of termination of services of the Workman by raising a dispute before the Assistant Labour Commissioner, Mapusa-Goa immediately after around eight days vide their letter dated 03-05-2004. Even the Employer in his reply dated 11-08-2004 addressed to the Assistant Labour Commissioner, Mapusa-Goa did not plead that the Workman has voluntarily abandoned his services. On the contrary, the Employer for the first time in the written statement pleaded that the Workman has voluntarily left the job. The Employer however failed to produce on record any material evidence in support of his defence that he has not terminated the services of the Workman, but it is the Workman who has abandoned the services voluntarily nor shown any steps taken by him to recall the Workman to join for his duties or hold any enquiry in the matter of alleged unauthorized absenteeism of the Workman. The Hon'ble High Court of Bombay in its case of *Gangaram K. Medekar v/s Zenith Safe Mfg. Co. & Ors.* reported in 1996 I CLR 172 it has been held that "in case of voluntary abandonment of services it is a matter of intention. It is a matter of inference being drawn on given set of facts. The Employer unilaterally cannot say that the Workman is not interested in employment and it is for this reason that a domestic enquiry is required to be held".

The principle laid down by the Hon'ble High Court of Bombay in the aforesaid decision is equally applicable to the present case.

13. In the case in hand, the Workman was in employment with the Employer Hotel since more than nine years of continuous service till 25-04-2004. The services of the Workman were orally terminated by the Employer. w.e.f. 25-04-2004. The Union thereafter raised a dispute pertaining to the alleged illegal termination of services of the Workman before the Assistant Labour Commissioner, Mapusa-Goa vide their letter dated 03-05-2004. Therefore it cannot be said that the Workman has voluntarily abandoned the services by remaining absent. Even assuming that the Workman voluntarily abandoned the services, the Employer has failed to produce any letter/notice issued to the Workman directing him to report

for his duty with immediate effect or failed to conduct a domestic enquiry into the alleged misconduct of unauthorized absenteeism of the Workman. Thus the evidence on record indicates that the Employer has failed to follow the well established principles of natural justice while orally terminating the services of the Workman nor complied with the mandatory provisions of Section 25-F of the I. D. Act, 1947. Hence it is held that the action of the Employer in terminating the services of the Workman w.e.f. 25-04-2004 is illegal and unjustified. The issue No. 2 is therefore answered in the affirmative.

14. *Issue No. 3:* While discussing the issue No. 1, I have already come to the conclusion that the Workman was employed at the Employer's hotel for more than nine years of continuous service till 25-04-2004. Similarly, while discussing the issue No. 2, I have already come to the conclusion that the action of the Employer in terminating the services of the Workman w.e.f. 25-04-2004 is illegal and unjustified.

The Hon'ble Supreme Court of India in its case of *Senior Suptd. Telegraph (Traffic), Bhopal v/s Santosh Kumar Seal & ors.* reported in 2010 III CLR 17 it has been held that "it is very well settled principle that relief by way of reinstatement with back wages, is not automatic, even if termination of workman is illegal or in contravention of prescribed procedure. In some cases, grant of monetary compensation may be an appropriate relief. Looking to respondent having put in hardly two to three years service, compensation of Rs. 40,000/- to Workman would meet ends of justice".

15. The Hon'ble Supreme Court of India in its another case of *Jagbir Singh v/s Haryana State Agriculture Marketing Board & anr.* reported in 2009 III CLR 628 it has been held that "it is true that the earlier view of this Court articulated in many decisions reflected the legal position that if the termination of an employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in the recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee in contravention of the prescribed procedure, compensation instead of reinstatement has been held to meet the ends of justice".

16. In the case in hand, I have already come to the conclusion that the action of the Employer in terminating the services of the Workman w.e.f. 25-04-2004 is illegal and unjustified. The evidence on record indicates that the Workman was given offer to join for his duties during the course of his conciliation proceedings, however the Workman refused the said offer to join for his duties. The evidence on record further indicates that the Workman did not join for his duties since 26-04-2004 since the Employer assaulted him. Thus it is evident that the Workman is still under the fear of apprehension of assault by the Employer. In the circumstances it will be fair and proper to grant monetary compensation instead of granting reinstatement with back wages. In my opinion, an amount of Rs. 25,000/- would meet the ends of justice.

In view of the above discussions and with regards to the facts and circumstances of the case, I proceed to pass the following Order:

ORDER

It is held that the action of the Management of M/s. Sai Shradha Hotel, Betim, Bardez-Goa in terminating the services of their Workman, Shri Govind S. Salgaonkar, Cook, w.e.f. 25-04-2004 is illegal and unjustified. The Employer of M/s. Sai Shradha Hotel, Betim, Bardez-Goa is hereby directed to pay to the Workman Shri Govind S. Salgaonkar, a monetary compensation of Rs. 25,000/- (Rupees twenty five thousand only) with immediate effect.

No order as to costs.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Addendum

No. 24/15/2010-LAB-ESI

Read: (1) Memorandum No. 24/15/2010-Lab-ESI dated 29-10-2010.

(2) Order No. 24/15/2010-Lab-ESI/593 dated 24-11-2010.

In the order referred to above, the following para may be added:

"Dr. Nirmala Ramnath Volvotkar, Homoeopathic Doctor (Group 'A') Gazetted is appointed in the

office of the Commissioner of Labour and Employment, Panaji under E.S.I. Scheme at E.S.I. Hospital, Margao".

By order and in the name of the Governor of Goa.

Smt. Upasana Majgaonkar, Under Secretary (Labour).

Porvorim, 2nd December, 2010.

Office of the Commissioner, Labour and Employment

Order

No. CLE/(RIA-05)/2008/7283

Read: Order No. CLE/(RIA-05)/2008/5509 dated 10-11-2008.

No. CLE/(RIA-05)/2008/2724 dated 14-08-2009.

In partial modification of the above orders, the following is hereby appointed as Public Information Officer and Assistant Public Information Officer for area of jurisdiction shown against the name to deal with the applications received from the public under the Right to Information Act, 2005.

Employment Exchange

Sr. No.	Name of the Officer & designation	Public Information Officer/Assistant Public Information Officer	Area of operation
1.	Shri Sunil Gaonkar, Employment Counseling Officer	Public Information Officer	Throughout the State of Goa.
2.	Smt. Agneta Correia, Asstt. Employment Officer (in her absence) Smt. Gemma D'Mello, Head Clerk	Assistant Public Information Officer	North Goa District/ /Jurisdiction.

F. Rodrigues, Commissioner (Labour & Employment).

Panaji, 2nd December, 2010.

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES II No. 37

9TH DECEMBER, 2010

Order

No. 3/1/80-PER-Vol.III

In pursuance to Government of India, Ministry of Home Affairs Order No. 14020/3/2010-UTS.I dated 26-11-2010, the Governor of Goa is pleased to relieve Shri Veenu Bansal, IPS (AGMU: 2004), Superintendent of Police (ANC), Panaji with effect from 01-12-2010 (b.n.) to take up new assignment at Government of Arunachal Pradesh.

Shri Mangaldas K. Dessai, Superintendent of Police (Crime) shall hold additional charge of Superintendent of Police (ANC) until further orders.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 1st December, 2010.

Order

No. 15/1/99-PER(Part)

Read: Order No. 15/6/2003-PER(Part) dated 03-11-2010.

Shri Gaurish Kurtikar, Mamlatdar, Ponda shall hold the charge of the post of Joint Mamlatdar-I, Ponda in addition to his own duties, with immediate effect, until further orders.

Consequently, Smt. Veera Nayak, Joint Mamlatdar-I, Ponda shall stand relieved immediately to attend the duties of Mobile Flying Squad, in Collectorate, North, in terms of Order dated 03-11-2010, read in the preamble.

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Personnel-I).

Porvorim, 2nd December, 2010.

Order

No. 21/31/96-I/PHD

Read: Order No. 21/31/96-I/PHD dated 10-12-2008.

Government is pleased to extend the extraordinary leave of Dr. Anil Umraskar, Medical

Officer attached to Primary Health Centre, Siolim under Directorate of Health Services for a further period of two years from 01-12-2010 to 30-11-2012 to seek employment abroad in terms of Government Notification No. 2/5/95-PER dated 02-01-2003.

By order and in the name of the Governor of Goa.

Paula Fernandes, Under Secretary (Health-II).

Porvorim, 29th November, 2010.

Addendum

No. 7/5/91-I/PHD

Read: 1) Order No. 7/5/91-I/PHD dated 16-04-2010.

2) Corrigendum No. 7/5/91-I/PHD dated 17-06-2010.

The following para shall be added after the first para of the Government order cited at preamble (1) above read with Corrigendum at (2) above, to read as:

"Smt. Nilima Vinayak Mishal shall exercise her option for fixation of her pay in the promotional grade, in terms of provisions of F.R. 22(I)(a)(1) within a period of one month from the date of her promotion as Junior Scientific Officer (Drugs). The option once exercised shall be final.

This is issued in supersession of this Department's earlier Addendum of even number dated 21-07-2010.

By order and in the name of the Governor of Goa.

D. G. Sardessai, Joint Secretary (Health).

Porvorim, 1st December, 2010.

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Department of Revenue

Order

No. 23/8/2008-RD

Whereas, the Government of Goa, vide Notification No. 23/8/2008-RD dated 22-07-2008, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 17 dated 24-07-2008, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public

purpose viz. Land Acquisition for construction of DWC 5-R at ch. 4495 m of Vadaval distributary of L.B.M.C. of T.I.P. at Sal Village of Bicholim Taluka. (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/8/2008-RD dated 23-07-2009, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 19 dated 06-08-2009 declared that the said land is required for the said public purpose and whereas 5-A report does not apply to this case.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).
Porvorim, 30th November, 2010.

Order

No. 23/21/2009-RD

Whereas, the Government of Goa, vide Notification No. 23/21/2009-RD dated 23-07-2009, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 19 dated 06-08-2009, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Calangute distributary from ch.00.00 m to 1475 for L.B.M.C. of T.I.P. in Village Parra and Saligao Village of Bardez Taluka (addl. area) (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/21/2009-RD dated 24-12-2009, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 41 dated 07-01-2010 declared that the said land is required for the said public purpose and whereas 5-A report does not apply to this case.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).
Porvorim, 30th November, 2010.

Order

No. 23/31/2009-RD

Whereas, the Government of Goa, vide Notification No. 23/31/2009-RD dated 14-10-2009, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 31 dated 29-10-2009, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Advalpal Minor of L.B.M.C of T.I.P in Pirna Village of Bardez Taluka and Advalpal Village of Bicholim Taluka (addl. land) (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/31/2009-RD dated 18-05-2010, issued under Section 6 of the said Act and published in the Official Gazette, Series II No. 9 dated 27-05-2010 declared that the said land is required for the said public purpose and whereas 5-A report does not apply to this case.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).
Porvorim, 30th November, 2010.

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES II No. 37

9TH DECEMBER, 2010

Order

No. 23/38/2008-RD

Whereas, the Government of Goa, vide Notification No. 23/38/2008-RD dated 24-09-2008, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 28 dated 10-10-2008, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of DWC 3-L takes off at ch. 3360 m of R.B.M.C., of T.I.P., at Latambarcem Village in Bicholim Taluka (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector and on being satisfied that the said land is needed for the said public purpose vide Notification No. 23/38/2008-RD dated 07-08-2009, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 21 dated 20-08-2009 declared that the said land is required for the said public purpose and whereas 5-A report does not apply to this case.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).
Porvorim, 30th November, 2010.

Order

No. 23/26/2008-RD

Whereas, the Government of Goa, vide Notification No. 23/26/2008-RD dated 24-09-2008, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 27 dated 03-10-2008, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of B/6 Distributory from ch.0.00 km. to 5.820 km. of R.B.M.C. of T.I.P (addl. land) in Torcem Village of

Pernem Taluka (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/26/2008-RD dated 26-08-2009, issued under Section 6 of the said Act and published in the Official Gazette, Series II No. 24 dated 10-09-2009 declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).
Porvorim, 30th November, 2010.

Order

No. 23/32/2009-RD

Whereas, the Government of Goa, vide Notification No. 23/32/2009-RD dated 16-10-2009, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 32 dated 05-11-2009, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Pilgao Narve Distributory of Sanquelim Branch Canal of L.B.M.C. of T.I.P. from ch.0.00 km. to 4.850 km. in Sarvana Bicholim & Pilgao Village of Bicholim Taluka (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/32/2009-RD dated 18-06-2010, issued under Section 6 of the said Act and published in the Official Gazette, Series II No. 14 dated 01-07-2010 declared that the said land is required for the said public purpose and whereas 5-A report does not apply to this case.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).
Porvorim, 30th November, 2010.

Order

No. 23/32/2008-RD

Whereas, the Government of Goa, vide Notification No. 23/32/2008-RD dated 24-09-2008, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 29 dated 16-10-2008, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of B-8 distributary from ch.0.00 km. to 4.00 km. of R.B.M.C., of T.I.P., at Village Dhargal and Pernem of Pernem Taluka (addl. area) (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/32/2008-RD dated 16-02-2010, issued under Section 6 of the said Act and published in the Official Gazette, Series II No. 48 dated 25-02-2010 declared that the said land is required for the said public purpose and whereas 5-A report does not apply to this case.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).
Porvorim, 30th November, 2010.

Order

No. 23/55/2008-RD

Whereas, the Government of Goa vide Notification No. 23/55/2008-RD dated 26-11-2008, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II, No. 36 dated 04-12-2008, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Revora II distributary from ch. 0.000 kms to 1.360 km. of L.B.M.C. of T.I.P. at Revora Village in Bardez Taluka (addl. area) (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector under sub-section (2) of Section 5-A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/55/2008-RD dated 07-08-2009, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 20 dated 13-08-2009 declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).
Porvorim, 30th November, 2010.

Order

No. 22/4/2008-RD

Whereas, the Government of Goa, vide Notification No. 22/4/2008-RD dated 19-02-2008, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 48 dated 28-02-2008, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. land acquisition for construction and parking area of Commercial Building Complex at Cuncolim Bazar in Village Cuncolim of Salcete

Taluka (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 22/4/2008-RD dated 10-07-2008, issued under Section 6 of the said Act and published in the Official Gazette, Series II No. 15 dated 15-07-2010 declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, South Goa District, Margao-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).

Porvorim, 2nd December, 2010.

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Order

No. 5/2/87-STE-DIR/VIII(GEPC-08/Part/1502

In supersession of Order No. 5/2/87-STE(Part)-IV/413 dated 25-07-2006 published in Official Gazette (Extraordinary No. 5), Series II No. 17 dated 01-08-2006 and subsequent Addendum dated 18-08-2006 and Corrigenda dated 29-10-2007 and 10-12-2007, the Government of Goa is pleased to re-constitute the "Goa State Environment Protection Council (GEPC)", as follows:

1. Governor of Goa	— Chairperson.	
2. Chief Minister	— Vice-Chairperson.	
3. Minister for Environment	— Co-Vice-Chairperson.	
4. Shri Shantaram Naik, M.P. (Rajya Sabha)	— Member.	
5. Shri Shripad Naik, M.P. (Lok Sabha)	— Member.	
6. Shri Francisco Sardinha, M. P. (Lok Sabha)	— Member.	
7. Shri Vijay Pai Khot, M.L.A.	— Member.	
8. Shri Agnelo Fernandes, M.L.A.	— Member.	
9. Shri Chandrakant Kavlekar, M.L.A.	— Member.	
10. Shri Nitin Sawant, World Wide fund for Nature, Goa Chapter, Panaji	— Member.	
11. Smt. Patricia Pinto, People's Movement for Civic Action, Panaji	— Member.	
12. Fr. Valeriano Vaz, Centre for Social Justice and Peace, Panaji	— Member.	
13. Dr. Satish Shetye, Director, National Institute of Oceanography, Dona Paula	— Member.	
14. Dr. Nandkumar Kamat, Department of Microbiology, Goa University.	— Member.	
15. Sr. Emma Maria, Ex-Principal, Carmel College, Nuvem	— Member.	
16. Dr. Simon de Souza, Chairman, Goa State Pollution Control Board	— Member.	
17. Dr. Dilip Deobagkar, Vice-Chancellor, Goa University	— Member.	
18. Chief Secretary	— Member.	
19. Development Commissioner	— Member.	
20. Additional Principal Chief Conservator of Forests, Forest Department	— Member.	
21. Chief Town Planner, Town and Country Planning Department	— Member.	
22. Director, Department of Mines & Geology	— Member.	
23. Chief Engineer, Water Resources Department	— Member.	
24. Director, Department of Science, Technology & Environment	— Member.	
25. Director, Directorate of Industries, Trade and Commerce	— Member.	

26. Director, Directorate of Panchayats	— Member.	/residence' as the case may be, plus other allowances as admissible to Grade-I Officers.
27. Director, Directorate of Municipal Administration	— Member.	By order and in the name of the Governor of Goa.
28. Director, Department of Tourism	— Member.	<i>Michael M. D'Souza</i> , Director (STE) & ex officio Joint Secretary.
29. Chief Electrical Engineer, Electricity Department	— Member.	Saligao, 2nd December, 2010.
30. Director, Directorate of Health Services	— Member.	————◆◆◆————
31. Director, Directorate of Agriculture	— Member.	Department of Town & Country Planning
32. Member Secretary, Goa State Pollution Control Board	— Member.	—
33. Representative of Ministry of Environment & Forests (Gol)	— Member.	Order
34. Shri Jose M. Noronha, Chairman, State Environment Impact Assessment Authority, Goa	— Special Invitee	Ref. No. 17/1/TP-UD/TCP/2010/4321
35. Dr. S. P. Fondevila, Chairman, State Expert Appraisal Committee, Goa	— Special Invitee	In supersession of all earlier orders, the deputation period of Shri Sandip Surlakar, Member Secretary/Town Planning Officer, South Goa Planning & Development Authority, Margao is curtailed and Shri Sandip Surlakar, Deputy Town Planner is repatriated to the Town and Country Planning Department and posted at South Goa District Office, TCP Dept., Margao vice Shri Rajesh Naik, Town Planner presently working at South Goa District Office, TCP Dept., Margao.
36. Secretary (Environment)	— Member Convener.	Shri Rajesh Naik, Town Planner is deputed to South Goa PDA, Margao as Member Secretary/Town Planning Officer initially for a period of one year and his deputation will be governed as per the deputation rules in force and modified from time to time.

The Council shall:

- i) Review the work relating to Environment undertaken in the State by Government and non-Government Organizations.
- ii) Advise the State Government on environmental issues of the State, and
- iii) Identify areas requiring investigations, research and restoration in the field of environment.

The Council will meet twice a year or more frequently, as may be decided by the Chairman, to discuss the items suggested by the Members. Decisions will be arrived at by consensus and would be advisory in nature.

Outstation members shall be entitled for, to and fro air fare, from the point of 'his/her' 'headquarters/

/residence' as the case may be, plus other allowances as admissible to Grade-I Officers.

By order and in the name of the Governor of Goa.

Michael M. D'Souza, Director (STE) & ex officio Joint Secretary.

Saligao, 2nd December, 2010.

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Department of Town & Country Planning

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Order

Ref. No. 17/1/TP-UD/TCP/2010/4321

In supersession of all earlier orders, the deputation period of Shri Sandip Surlakar, Member Secretary/Town Planning Officer, South Goa Planning & Development Authority, Margao is curtailed and Shri Sandip Surlakar, Deputy Town Planner is repatriated to the Town and Country Planning Department and posted at South Goa District Office, TCP Dept., Margao vice Shri Rajesh Naik, Town Planner presently working at South Goa District Office, TCP Dept., Margao.

Shri Rajesh Naik, Town Planner is deputed to South Goa PDA, Margao as Member Secretary/Town Planning Officer initially for a period of one year and his deputation will be governed as per the deputation rules in force and modified from time to time.

Shri Sandip Surlakar, South Goa PDA shall be relieved first from his charge of Member Secretary/Town Planning Officer and report to the South Goa District Office, TCP Dept., Margao. Shri Rajesh Naik, Town Planner/South Goa District Office, TCP Dept., Margao shall be relieved on his reporting to the South Goa District Office, TCP Dept., Margao.

This order shall come in force with immediate effect without availing any joining time. However, they will be entitled for TA/DA as per rules in force.

By order and in the name of the Governor of Goa.

Morad Ahmad, Chief Town Planner & ex officio Joint Secretary.

Panaji, 6th December, 2010.